

## TWENTY-SECOND DAY.

(Friday, February 11, 1927.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following members were present:

Acker.	King of
Alexander.	Throckmorton.
Anderson.	Kinnear.
Avis.	Kirkland.
Barnett.	Land.
Barron.	Lipscomb.
Bass.	Loftin.
Bateman.	Long.
Beck.	McCombs.
Bird.	McGill.
Black.	McKean.
Boggs.	Minor.
Bonham.	Montgomery
Boon.	Morse.
Branch.	Moursund.
Brown.	Murphy.
Conway.	Nabors.
Cornwell.	Nicholson.
Cox.	Olsen.
Cummings.	Parish of Runnels.
Daniel.	Parrish of Travis.
Davis.	Pavlica.
DeBerry.	Pearce.
Denman.	Petsch.
Dielmann.	Poage.
Dunlap.	Pool.
Durham.	Pope.
Duvall.	Porter.
Enderby.	Purl.
Eickenroht.	Ramsey.
Faulk.	Rawlins.
Finlay.	Reagan.
Fly.	Renfro
Forbes.	of Angelina.
Gates.	Renfro of Mills.
Gibson.	Rogers of Hays.
Gilbert.	Rogers of Shelby.
Graves.	Rowell.
Gray.	Sanders.
Hagaman.	Satterwhite.
Harding.	Shaver.
Harman.	Shearer.
Hefley.	Sheats.
High.	Shirley.
Holder.	Simmons.
Holland.	Sinks.
Hornaday.	Smith of Atascosa.
Jacks.	Smith of El Paso.
Johnson.	Smith of Nueces.
Jones.	Smith of Smith.
Justice.	Smyth.
Kayton.	Snelgrove.
Kemble.	Stevenson.
Kennedy.	Storey.
Kenyon.	Stout.
Kincaid.	Sutton.
King of Hopkins.	Swain.

Taylor.	Wassell.
Teer.	Webb.
Turner.	Wells.
Van Zandt.	Whitaker.
Veatch.	Williams
Waddell.	of Sabine.
Walker.	Williams
Wallace	of Travis.
of Freestone.	Williamson.
Wallace of Panola.	Woodall.
Wallace of Smith.	Young.
Ware.	

Absent—Excused.

Albritton.	Masterson.
Farrar.	Merritt.
Foster.	Powell.
Fuchs.	Runge.
Hall.	Stell.
Kirby.	Tillotson.
Loy.	Woodruff.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Woodruff for today and tomorrow, on motion of Mr. Ware.

Mr. Powell for yesterday, today and balance of the week, on motion of Mr. Williams of Travis.

The following members were granted leaves of absence on account of sickness:

Mr. Stell for today and the balance of the week, on motion of Mr. Webb.

Mr. Albritton for today and tomorrow, on motion of Mr. Hagaman.

Mr. Tillotson for today and tomorrow, on motion of Mr. Lipscomb.

Mr. Farrar for today, on motion of Mr. Durham.

Mr. Masterson for today, on motion of Mr. Sheats.

Mr. Hall for today and tomorrow, on motion of Mr. Stevenson.

Mr. Loy for today and tomorrow, on motion of Mr. Minor.

Mr. Runge for today, on motion of Mr. Stout.

Mr. Fuchs for today, on motion of Mr. Woodall.

Mr. Merritt for today and tomorrow, on motion of Mr. Finlay.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Parrish of Travis, Mr. Long, and Mr. Gibson:

H. B. No. 500, A bill to be entitled "An Act to repeal Article 348, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long, and Mr. Gibson:

H. B. No. 501, A bill to be entitled "An Act requiring the Banking Commissioner of Texas to file a final report of all liquidations; providing that upon approval of such final report the charter of each such bank shall be forfeited; and further providing for the filing of certificates of such forfeiture, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long, and Mr. Gibson:

H. B. No. 502, A bill to be entitled "An Act requiring directors of State banks, bank and trust companies and banking corporations, organized and doing business under the laws of this State, to be elected annually, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long, and Mr. Gibson:

H. B. No. 503, A bill to be entitled "An Act relieving State banks in the hands of the Banking Commissioner for liquidation, from the payment of franchise taxes; providing that the failure of the Commissioner to pay franchise taxes for any such bank shall not operate to revoke or forfeit the charter of such corporation; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long, and Mr. Gibson:

H. B. No. 504, A bill to be entitled "An Act amending Article 517, Revised Civil Statutes of Texas, 1925, and providing that no attorney's fee shall be collectible on notes or other evidence of debt issued by a State bank in the hands of the Commissioner for liquidation, where such notes or other evidence of debt are placed with an attorney for collection within thirty days

after closing of such bank, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 505, A bill to be entitled "An Act prohibiting the Banking Commissioner and his employes from purchasing, directly or indirectly, any asset belonging to a State bank in the hands of the Commissioner for liquidation; providing penalty, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 506, A bill to be entitled "An Act amending Article 497, Revised Civil Statutes of Texas, 1925, and empowering the Banking Commissioner to require from State banks any statement concerning the affairs of such corporations as he may deem necessary; providing a penalty; fixing the venue of suits, and the disposition of penalties collected, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 507, A bill to be entitled "An Act repealing Article 372, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 508, A bill to be entitled "An Act to require all State banks, savings banks, and bank and trust companies to adopt by-laws and to file certified copies of such by-laws with the Banking Commissioner; providing a penalty, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 509, A bill to be entitled "An Act making it a felony for any stockholder, officer, director, employe or agent of any bank, incorporated and operating under the laws of this State, to abstract, remove, destroy, or secrete any papers, books or records of any such bank, or from the custody of the Bank-

ing Commissioner; providing a penalty; prescribing the procedure for the indictment and trial of principal offenders, accomplices, and accessories; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 510, A bill to be entitled "An Act making it a felony for any director, officer, or employe of a State bank or bank and trust company to enter into any contract with a bucket shop, as defined in Article 659 of the Penal Code of Texas, or to place any order with a bucket shop, as thus defined, for a margin contract or any contract denounced by Article 658 and by Article 661 of the Penal Code of Texas; fixing a penalty, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 511, A bill to be entitled "An Act to amend Article 373, Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, eliminating therefrom the words 'and a receiver or other agency appointed for the liquidation of its affairs and the payment of its debts,' and substituting therefor the following: 'and taken over by the Banking Commissioner of Texas for the purpose of liquidation, as provided by law,' and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 512, A bill to be entitled "An Act requiring all State banks to charge off annually for depreciation a percentage of cost for furniture and fixtures, and regulating the carrying of bank buildings as an asset, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 513, A bill to be entitled "An Act to amend Article 455, Revised Civil Statutes of Texas, and eliminating therefrom the provision that stockholders who are depositors of insolvent banks shall be protected for only that

portion of their deposits over and above their liability as stockholders; and providing for the venue of suits to enforce stockholders' liability, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Parrish of Travis, Mr. Long and Mr. Gibson:

H. B. No. 514, A bill to be entitled "An Act amending Article 544 of the Penal Code of the State of Texas of 1925, reducing the minimum penalty for embezzling or misapplying the funds of any State bank or bank and trust company incorporated under the laws of Texas as from five to two years, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Hornaday:

H. B. No. 515, A bill to be entitled "An Act to amend Chapter 2 of Title 128 of the Revised Statutes of 1925, relating to water improvement districts by providing that lands in any such district which are not susceptible of irrigation by gravity from the existing system of canals and laterals, or which the owner or owners thereof no longer desire to irrigate from such system, or which, for other reasons, should be withdrawn from such district, may be discontinued as part of such district; providing that the board of directors may pass resolutions excluding such territory; providing that the owners of such lands may petition the district for an election to determine the question of whether the lands shall be withdrawn, and for the holding of such an election and providing that lands so withdrawn shall no longer be entitled to be served with water from the irrigation system, and that such lands shall be charged with their pro rata part of existing indebtedness of said district, and providing that the owner or owners of such lands may pay the total of their pro rata at any time, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Hornaday:

H. B. No. 516, A bill to be entitled "An Act to amend Article 5525 of the Revised Civil Statutes of the State of Texas, 1925, by providing for the survival of a cause of action for injuries in case of the death of the injured person."

Referred to Judiciary Committee.

By Mr. Parrish of Travis, Mr. Gibson and Mr. Long:

H. B. No. 517, A bill to be entitled "An Act to amend Article 2547, Chapter 2, Title 47, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Wassell (by request):

H. B. No. 518, A bill to be entitled "An Act amending Article 3925 of the Revised Civil Statutes of Texas, 1925, providing that county judges shall receive \$5.00 as a fee for probating a will and shall receive \$1.00 as a fee for granting letters testamentary, of administration or of guardianship, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Wassell (by request):

H. B. No. 519, A bill to be entitled "An Act amending Article 1052 of the Code of Criminal Procedure, Revised Criminal Statutes of Texas, 1925, providing that five dollars shall be paid to the county judge by the county for each criminal action tried and finally disposed of before him, and declaring an emergency."

Referred to Judiciary Committee.

#### COMMITTEE SUBSTITUTE ORDERED PRINTED.

On motion of Mr. McCombs, the committee substitute to House bill No. 407 was ordered printed instead of the original bill.

#### RELATING TO CONSIDERATION OF LOCAL BILLS.

On motion of Mr. Sinks, the House designated 4:30 o'clock p. m. today as the time for consideration of local bills.

#### EXPRESSING THANKS TO HOUSTON CHRONICLE STAFF.

Mr. Acker offered the following resolution:

Whereas, The Hon. Jesse H. Jones of Houston, Texas, through the Houston Chronicle, furnished to the members of the Legislature and the public, the Woodrow Wilson Memorial film, which was exhibited in the Hall of the House of Representatives, February 3, 1927, without cost to the Legislature; and

Whereas, The members of the House of Representatives are deeply grateful to Mr. Jones and the Houston Chronicle

for this evidence of their interest in the perpetuation of the life and work of the great statesman; therefore, be it

Resolved, That the members of the House of Representatives express to Mr. Jones and the staff of the Houston Chronicle full appreciation for their service and contribution in connection with the matter.

Signed—Acker, Morse, Duvall, Beck.

The resolution was read second time and was adopted.

#### RELATING TO INVITATION TO GOVERNOR AL SMITH.

Mr. Kinnear offered the following resolution:

Whereas, On February 9, 1927, an invitation was extended to Governor Al. Smith of New York to address the Legislature of the State of Texas; and

Whereas, Governor Smith, as shown by an article dated at Albany, N. Y., February 10th, in which he says: "I read the item in the paper this morning and referred it to the boxing commission"; now, therefore, be it

Resolved by the House of Representatives, State of Texas, That the aforementioned invitation to the Hon. Governor Smith be revoked and that said invitation be extended to Gene Tunney, heavyweight boxing champion of the world, and that the attached press clipping be considered and read as a part of this resolution.

Signed—Kinnear, Reagan, Harding, Smith of Smith.

The resolution was read second time.

Mr. Finlay moved that the resolution be referred to the Committee on Penitentiaries.

On motion of Mr. Young, the resolution was tabled.

#### APPROVING OF CERTAIN ACTION OF FEDERAL RESERVE SYSTEM.

Mr. Moursund offered the following resolution:

Whereas, It is generally recognized that the reserve system has been the greatest forward step ever devised and executed for financial welfare of this country, and great prosperity and business confidence has followed the establishment of each branch bank of said Federal reserve system; and

Whereas, The only fault with the Federal reserve system in Texas to date has been a lack of sufficient branch banks, which condition has greatly handicapped business in general and the



banking business in particular, due to the great distances which separate the Federal reserve banks and the tremendous territory they must serve; and

Whereas, The directors of the Eleventh Federal Reserve District, in meeting at Dallas, in February, endorsed the proposed branch bank to be established in the city of San Antonio to serve the great territory of the Southwest, which is not now adequately served; now, therefore, be it

Resolved by the House of Representatives of the Fortieth Legislature of the State of Texas, That it heartily approve the action taken by the board of directors of the Eleventh District, and hereby respectfully petition the board of governors of the Federal reserve system at Washington to grant the request for the San Antonio branch of the Federal Reserve Bank on the ground that it will be of inestimable benefit to the entire State of Texas.

Signed—Moursund, Dielmann, Kayton, Anderson, Williamson, Montgomery, Smith of Atascosa, Petsch, Hornaday, Eickenroht, Bonham, Parrish of Travis.

The resolution was read second time and was adopted.

#### TO AMEND JOINT RULES.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 15, To amend Joint Rules.

Austin, Texas, February 10, 1927.

Hon. Barry Miller, President of the Senate, Austin, Texas.

Sir: We, your Committee on Rules, beg leave to report that we recommend an amendment to the Joint Rules of the Senate and of the House of Representatives of Texas, by concurrent resolution as follows, to wit:

Senate Concurrent Resolution No. 15:

Resolved by the Senate of Texas, the House of Representatives concurring, That the Joint Rules of the two houses be amended by adding a new section to said Joint Rules and to be known and designated as Rule 24, as follows:

"24. During the Regular Session of the Fortieth Legislature the President of the Senate and the Speaker of the House of Representatives shall cause to be placed on the calendar of their respective houses, for consideration each day after the morning call, any and all pending joint resolutions proposing amendments to the Constitution of the

State of Texas, and no other bills or resolutions shall be considered, on any particular day, by consent or otherwise, until all such joint resolutions are finally disposed of by the house before which such resolutions are pending."

NEAL,

Chairman.

WOODWARD,

HARDIN,

BAILEY.

The resolution was read and referred by the Speaker to the Committee on Rules.

#### TO AMEND HOUSE RULES.

Mr. Purl offered the following resolution:

H. C. R. No. 23, To amend House Rules.

Amend House Rules, Article 9, Section IV, pages 94 and 95, by adding at the end of the first paragraph of said section the following:

Strike out period after the word "committee," insert comma, and add the following: "who were present when the vote was taken on said measure before the committee."

The resolution was read and was referred by the Speaker to the Committee on Rules.

#### MEMBER TO MAKE INSPECTION TRIP.

In compliance with a resolution passed by the House authorizing the Speaker to appoint one member from the House to inspect the State institutions with the Board of Control, the Speaker made the following appointment:

Mr. Woodruff.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 34, "An Act to amend Article 2312 of Chapter 13, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 3, "An Act to agree to the provisions of Section VII of an Act of Congress of the United States and approved June 18, 1926, entitled 'An Act to provide for the storage of the waters of the Pecos River,' and declaring an emergency."

H. B. No. 6, "An Act providing for the redemption of property sold under

a judgment for taxes levied by any district organized under the laws of the State of Texas, and declaring an emergency."

H. B. No. 30, "An Act to amend Article 2162 of Chapter 8, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 155, "An Act to create the One Hundred and Fourth Judicial District of Texas, and designating the counties constituting said district, and fixing the time for holding court therein; reorganizing the Thirty-ninth Judicial District of Texas, and fixing the time for holding court in the various counties of said district; providing for the appointment of a judge for the newly created One Hundred and Fourth Judicial District of Texas, for the appointment of district attorneys for the Thirty-ninth Judicial District of Texas; providing for the transfer of cases from the One Hundred and Fourth Judicial District to the Forty-second Judicial District, and vice versa; providing that the district clerk of Taylor county shall be the clerk of said newly created One Hundred and Fourth District, and providing the manner of filing cases and numbering same in the One Hundred and Fourth District and in the Forty-second Judicial District; validating all process, writs and bonds heretofore issued in the various counties affected by this act, etc., and declaring an emergency."

H. B. No. 75, "An Act to further regulate the contest of certificates of nomination in primary elections, by amending Article 3152 of the Revised Civil Statutes of 1925."

H. B. No. 43, "An Act to amend Article 4231 of Chapter 10, Title 69, of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 80, "An Act to change the names and designation of the county court of Bexar county for civil cases to the 'County Court at Law No. 1 of Bexar County,' and the county court of Bexar county for criminal cases to the 'County Court at Law No. 2 of Bexar County, Texas.'"

H. B. No. 28, "An Act to amend Article 942 of Title 27 of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 32, "An Act to amend Article 2253 of Chapter 12 of the Revised Civil Statutes of 1925, and declaring an emergency."

#### COMMUNICATION FROM AUSTIN MUNICIPAL GOLF ASSOCIATION.

The Speaker laid before the House and had read the following communication:

Austin, Texas, February 5, 1927.

Mr. Robert Lee Bobbitt, Speaker House of Representatives, Austin, Texas.

Dear Sir: The Lions Club desires to extend the privileges of the Municipal Golf Links to the members of the Legislature.

We would appreciate it very much if you will so inform the members, that if they desire to do so, they could have the privileges of the Municipal Golf Links without charge, all that will be necessary will be for them to register at the clubhouse as members of the Legislature.

Very truly yours,

AUSTIN MUNICIPAL GOLF AND AMUSEMENT ASSOCIATION,

John H. Tobin, President.

#### HOUSE BILL NO. 59 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 59, A bill to be entitled "An Act providing for the defining of a policy managing and operating the State Prison System and for the appointment of a board of directors, composed of nine persons, to be appointed by the Governor with six-year terms; defining the duties of said board of directors; providing for the appointment of a general manager of the prison system; defining the duties and providing for the compensation of such general manager; providing that under unforeseen, calamitous conditions, such as failure of crops, etc., prisoners may be worked on public works, etc., and declaring an emergency."

The bill was read second time.

Mr. Satterwhite offered the following (committee) amendment to the bill:

Amend House bill No. 59 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. All of Title 108 of the Revised Civil Statutes of 1925, except Article 6203 thereof, is in all things hereby repealed.

Sec. 2. It shall be the policy of this State, in the operation and management of the prison system, to so manage and conduct the same in that manner as will be consistent with the operation of a

modern prison system, and with the view of making the system self-sustaining; and that those convicted of violating the law and sentenced to a term in the State penitentiary shall have humane treatment, and be given opportunity, encouragement and training in the matter of reformation. All prisoners shall be worked within the prison walls and upon farms owned or leased by the State; and in no event shall the labor of a prisoner be sold to any contractor or lessee to work on farms, or elsewhere, nor shall any prisoner be worked on any farm or otherwise upon shares, except such farm be owned or leased by the State of Texas.

Sec. 3. There is hereby created the Texas Prison Board which shall be composed of nine (9) members to be appointed by the Governor in the same manner as is provided for the filling of vacancies in Section 12 of Article 4 of the State Constitution. Each member of the board shall take the constitutional oath of office before entering upon the duties of the office. The term of office of each member shall be six years, except that in making the first appointment the Governor shall appoint three members for two years, three members for four years and three members for six years, so that thereafter the term of three members shall expire every two years, except in the first appointment of the board, the terms shall expire the 1st day of February, 1929, 1931, and 1933, respectively, each member, however, serving until their successors have been appointed and duly qualified. Vacancies on the board shall be filled by appointment of the Governor for the unexpired term. For proper and just cause the Governor may remove any member from the board through quo warranto proceedings as the law directs.

Sec. 4. Each member of the board shall, within ten days after his appointment, execute a bond payable to the Governor of this State, and his successors in office, for the use of the State in the sum of five thousand dollars, and conditioned that he will faithfully execute the duties of his office; the form of which bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon approved by, and the same shall be filed with the Secretary of State. The premium on such bonds shall be paid out of penitentiary funds. Before entering upon the duties of his office, each member of said board

shall take and subscribe to the oath of office prescribed by the Constitution of this State.

Sec. 5. Each member of the Prison Board shall receive as compensation for his services the sum of ten dollars per day while actually engaged in the performance of the duties of the business of the Prison Board; and in addition thereto, he shall be allowed all reasonable necessary traveling expenses actually incurred when traveling on business of the prison system, to be paid together with said salary out of the funds of the prison system, all such expense accounts to be itemized and sworn to in duplicate, and approved by the chairman of the State Board of Control and the Prison Board, or a majority of said board, one copy to be kept with the records of the Prison Board, and one copy to be filed with the Comptroller of Public Accounts.

Sec. 6. Within ten days after the appointment and confirmation of the members of the Prison Board provided for in this act they shall organize by electing a chairman and other necessary officers from among its membership, whose terms of office shall be at the pleasure of the board. Immediately upon the completion of such organization the board shall take charge of all properties of whatever nature that now, or may hereafter, belong to, or connect with the State prison system of Texas, including all convicts.

Sec. 7. The Prison Board shall employ a general manager, who shall be in direct and immediate charge and control of the penitentiary, farms and camps where State prisoners are located, or may be kept or worked, as well as all property belonging thereto or connected therewith, subject only to the supervision of the Prison Board, and such rules and regulations as may be provided by the Prison Board. The Prison Board shall have the power and authority to discharge said manager for inefficiency or improper conduct after notice to him of their intention, and an opportunity given to said manager to be heard. The manager shall receive as compensation for his services the sum of not more than ten thousand (\$10,000.00) dollars per year, payable monthly, and in addition thereto all of his necessary traveling expense when traveling on business of the system. He shall reside at the place designated by the Prison Board, and a suitable house shall be provided in which to live with his family.



The manager shall, within ten days after his appointment, execute a bond payable to the Governor and his successors in office for the use of the State in the sum of fifty thousand (\$50,000.00) dollars, conditioned that he will faithfully execute the duties of his office. The form of the bond shall be prepared by the Attorney General, and the sufficiency of the sureties thereon shall be approved by, and it shall be filed with the Secretary of State, and it shall not be void on the first recovery of part of the penalty, but shall thereafter continue in force for the whole amount thereof, and may be sued on from time to time, and shall be deemed to stand to the faithful performance of his duties until his successors shall have qualified, and shall have entered upon the duties of his office, and it shall be the duty of the Attorney General, at the request of the Prison Board, to bring suit in a proper court of Travis county, Texas, for the forfeiture and collection of said bond. The premium on such bond shall be paid out of penitentiary funds. The manager shall take and subscribe to the constitutional oath of office.

It shall be the duty of the manager to appoint all necessary officers, physicians, teachers, and all clerical help needed in conducting the prison system, and all such appointments made by the manager shall be subject to confirmation by the Prison Board, and he shall require all appointees who, in the discharge of their duties, are charged with handling any funds of the system or of the State, to execute bond in such sum as may be recommended by the manager and approved by the Prison Board, payable to the Prison Board for the use and benefit of the State to be conditioned for the faithful performance of their duties. The manager shall be held responsible by the Prison Board for the proper care, treatment, clothing and management of the prisoners, and he shall carefully see to the faithful enforcement of the spirit, intent and purpose of the laws and rules governing the system, and he shall be responsible to the Prison Board for maltreatment of the prisoners.

The manager shall report once each month in writing to the Prison Board, showing in such report the final transaction of the prison since his last report, the general condition of the prisoners, and the needs of the different departments of the system, and recommend paroles in proper cases.

The manager shall have authority to discharge any officer or employe of the prison system for failure to comply with the rules, regulations or laws governing the system, or for any dereliction of duty, or whenever he may deem it for the best interest of the service, reporting his actions in every instance to the Prison Board for approval.

He shall recommend to the Prison Board any changes, improvements or other things, which in his judgment, are necessary for the betterment of the system.

Sec. 8. The board shall meet in regular sessions on the first Monday in January, April, July and October of each year, and may meet in special sessions, when in the judgment of the board it may be necessary, such meetings to be called by the chairman or a majority of the board. Five members of the board shall constitute a quorum, and all members shall be notified in reasonable advance of any special meeting. The general manager of the prison system shall be required to attend all meetings, and furnish all information required by the Prison Board. The board shall, at such times, carefully examine the manager's reports, and inquire into and investigate the general condition of the system, the treatment of prisoners, and take any action necessary to the betterment of such conditions. The members of the board shall visit each prison farm in the State at least once every six months and observe and investigate general conditions at such farms, and they shall report to the Governor such recommendations as in their judgment will tend to improve the system.

Sec. 9. The prison manager shall have the power, with the approval of the Prison Board, to purchase or cause to be purchased, with such funds as may be at their disposal, any buildings, machinery, tools or supplies for the benefit of said prison system, and may establish such factories as in their judgment may be practicable, and that will afford useful and proper employment to prisoners confined in the State prison, under such regulations, conditions and restrictions as may be deemed best for the welfare of the State and the prisoners, it being the purpose of this act to clothe said Prison Board with all power and authority necessary for the proper management of the prison system of this State.

Sec. 10. The prison manager shall have power to sell and dispose of all farm products and the products of all



factories connected with the prison system, and all personal and movable property, at such prices and on such terms as may be deemed best by him.

Sec. 11. The Prison Board is authorized, and it shall be the duty, to cause to be constructed upon the land belonging to, or acquired by, the prison system, all necessary modern fireproof, well ventilated prison buildings providing a separate cell or room for each prisoner, as far as conditions and the welfare of the prisoners demand, with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms, and chapels, and other necessary conveniences for the benefit of the prisoners.

Sec. 12. The Prison Board shall have the power, with the approval of the Governor, to purchase such land as may, in their judgment, be necessary in the operation, concentration, or protection of said system, and the employment of prisoners confined in said prison, and in the purchase thereof they may pay such sum in cash as may be agreed upon with the vendor and for the unpaid purchase money to become due upon said land, they shall execute to the vendor notes payable in such sum and at such times as may be agreed upon between the parties, and the payment of which shall be secured by a deed of trust upon such land in the usual form, and containing such covenants as may be agreed upon between the parties, and may pledge a sufficient amount of the net revenues of the property so purchased to pay the deferred installments of purchase money thereon; and it shall be expressly provided in the conveyance to said land, the notes executed for the unpaid purchase money and the deed of trust, that the vendor relies alone upon the lien created by the deed of trust upon said land and the net revenues so pledged, and that no personal liability against the Prison Board or the State of Texas shall arise out of said transaction beyond said liens; and the purchase money paid originally as well as the installments paid upon the deferred payments, may be paid out of any funds belonging to said prison system. The title to all lands purchased by the Prison Board under the terms of this act shall be examined, passed upon and approved as good and sufficient by the Attorney General, and all conveyances, notes and trust deeds and other instruments executed under the provisions of this act shall

be prepared, passed upon and approved by the Attorney General. The title to all lands so purchased shall vest in the Prison Board, and their successors in office, as trustees for the State.

Sec. 13. The Prison Board may, with the approval of the Governor, sell or lease any real estate or other fixed property and appurtenances belonging thereto, upon such terms as to them may seem best, and upon the sale thereof they shall have power to execute proper conveyance to the title thereto, which instruments of conveyance shall be prepared and approved by the Attorney General; provided, that one-sixteenth of all mineral rights shall be reserved to the State.

Sec. 14. On Monday of each week, the manager shall remit to the State Treasurer all moneys received by him during the preceding week and belonging to the system. The Treasurer shall hold such fund as bailee for the prison system, and said fund shall be known as the "State Prison Account," and he shall give to the manager a deposit receipt for same, and mail a duplicate to the Chairman of the Prison Board, and shall pay out same on drafts drawn by the manager. The manager is authorized to draw upon the State Prison Account with the State Treasurer, such sum or sums of money, and at such time or times, as in his judgment may be necessary for the transaction of the business of the system; provided, he shall not draw for a sum that will give him in hand and in banks subject to disbursement a sum in excess of twenty-five thousand dollars; and provided further, the account of the prison system with the State Treasurer shall in no event be overdrawn, and in no event shall the State Treasurer ever permit an overdraft against the State Prison Account to be paid. On December 1st of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories, and place said sum to the credit of the State Prison Account, and send deposit receipt to the manager, and a duplicate to the Chairman of the Prison Board.

Sec. 15. The manager, with the board's approval, may at any time issue such orders and prescribe such rules and regulations for the government of the prison system of this State, not inconsistent with the law, as he may deem proper, or to provide such details not embraced herein, and for such contingencies as may at any time arise concerning the management of the prison

system or its proper and effective operation, and such rules and regulations shall be made with a view of carrying out the general principles on which the penal laws are founded, and for which the prison system is established and shall be binding on all under officers, employees, and all persons whomsoever in any way connected with the State prisons, or its management, or its prisoners within and without the walls. The manager shall have all laws, rules and regulations of the prison system printed in pamphlet form for the information and guidance of all connected with the management of the prison system and such parts of said rules as relate to the duties of subordinate officers and prisoners shall be printed in suitable form and posted in conspicuous places about the prison, or wherever prisoners may be confined, for the information of all concerned. All officers, employees, and guards having supervision of prisoners shall be furnished with a copy of the law, rules and regulations governing the prison system, and shall give a receipt therefor, and the manager shall from time to time require such examination of such officers, employees and guards as will ascertain their knowledge of such law, rules and regulations, and any such officer, employee or guard, who shall fail to familiarize himself with the laws, rules and regulations of the prison system, shall be dismissed from the service.

Sec. 16. It shall be the duty of the manager to visit at least once each month, without previous notice of his intentions, at each prison, camp or farm where prisoners are kept or worked, and to carefully inspect same with reference to the food, clothing and treatment of the prisoners, the general sanitary conditions existing at such prison, camps or farms, reporting upon such conditions, the efforts at reformation, the general conduct of all officers and employees connected therewith, and punishment administered for the enforcement of prison discipline, and shall after each visit report the conditions to the chairman of the Prison Board.

Sec. 17. The manager shall make suitable provision and regulations for the safe and speedy transportation of prisoners from counties where sentenced to the State penitentiary by the sheriffs of such counties if such sheriffs are willing to perform such services as cheaply as said commission can have it done otherwise. Said transportation shall be on State account and in no in-

stance shall the prisoners be carried direct from the county jails to the State farm, but shall first be carried to the receiving station as designated by the Prison Board where the character of labor which each prisoner may reasonably perform shall be determined. Upon the arrival of each prisoner at such receiving station, the manager shall cause a statement to be made by the prisoner, giving a brief history of his life, and showing where he has resided, the names and postoffice addresses of his immediate relatives, and such other facts as will tend to show his past habits and character; and the manager shall, by correspondence, or otherwise, verify or disprove such statements, if practicable, and shall preserve the record and information so obtained for future reference.

Sec. 18. The manager, with the prison auditor, shall cause to be made annually on the 1st day of January, a full and complete inventory of all lands, buildings, machinery, tools, livestock, and all other property of every description, belonging to the prison system, and shall cause to be set opposite each item the book values, and also the actual value of the same so as to afford an easy comparison with the previous annual statement. And shall cause to be kept in the accounting department of the prison system, a system of books, showing a separate account with each industry and farm and for the system as a whole, showing the losses, profits, and net earnings of each industry and farm connected with the system, and shall make a report of the same annually on the 1st day of January, to the Governor, sending a copy thereof to the chairman of the Prison Board, which report shall be published by the Governor in a sufficient number of copies to give general publicity to such report; such report to include the rules and regulations in force for the management of said system and the methods of dealing with the convicts thereof.

Sec. 19. The manager shall keep, or cause to be kept, correct and accurate accounts of each and every financial transaction of the prison system, including all receipts and disbursements of every character. He shall receive and receipt for all money paid to him from every source whatsoever, and shall sign all vouchers or warrants authorizing the payment or disbursement of any sum or sums on account of the prison system, and no money shall be paid out on any account of the prison system, except upon a warrant or voucher signed

by him. He shall keep full and correct accounts with each industry, department and farm, and with all firms, persons or corporations, having financial transactions with the prison system. He shall have power to require all necessary reports from any department, officer or employes at stated intervals. All deposits of prison funds with banks shall be kept in the name of the officer in his official capacity, and all funds of the prison system shall be kept separate from private funds. Such accounts and clerical assistance as may be necessary to carry out the provisions of this section shall be provided by the manager, with the approval of the board, in order that a full, complete and correct account may be kept of all financial transactions of the prison system. In the absence of the manager, some other officer designated and authorized by him in writing may sign such receipts, warrants or vouchers.

Sec. 20. On the taking effect of this act, and annually thereafter, there shall be appointed by the State Board of Control a permanent auditor for the prison system, who shall hold his office for a term of one year, subject to discharge at any time as hereinafter provided. It shall be the duty of such auditor to audit all accounts, vouchers, payrolls and all other business transactions of the prison system, and to check all property, material and supplies received and disposed of by or distributed within the prison system, and he shall make a full report thereof to the Governor on the 1st day of January of each year. Such auditor shall be subject to discharge at any time by the State Board of Control for incompetency, neglect, failure or refusal to discharge the duties of his office, or for any wrongful conduct that, in the judgment of the State Board of Control, renders him unfit for said office, after notice to him of their intention and an opportunity given to said auditor to be heard, and in the case of the discharge or resignation of any auditor, another shall be appointed by the same authorities. During the term of his services, such accountant shall be paid a salary of three hundred dollars per month, and all actual and necessary traveling expenses, to be paid at the end of each month out of any moneys belonging to the prison system, such traveling expenses to be evidenced by an itemized statement by the auditor, filed with the prison manager and a duplicate copy with the State Board of Control, the

salary and expense vouchers to be approved by the State Board of Control. Such auditor shall have free access to all books and records of whatever nature belonging to the prison system, and he shall also execute a bond in the sum of ten thousand (\$10,000.00) dollars in the same manner as that of the general manager provided for in this act.

Sec. 21. The manager and each member of the Prison Board, in the discharge of their duties, are authorized to administer oaths, to summon and examine witnesses, and take such other steps as may be necessary to ascertain the truth of any matter about which they have the right to inquire.

Sec. 22. The manager with the board's approval shall, when practicable, provide at each prison, farm and camp where prisoners are kept or worked, schools for instruction of prisoners in elementary branches of English language and industrial education, and shall provide suitable recreation for the prisoners at reasonable hours, including music, and he shall employ such number of competent teachers to instruct the prisoners in the same as in the judgment of the manager may seem necessary, and he shall make reasonable rules and regulations whereby the prisoners may attend such schools. The manager shall prescribe and furnish to the prisoners suitable books and other reading matter, and to this end may establish and operate among the prisoners a circulating library, and may adopt such other means of distributing among the prisoners good and wholesome literature as in the judgment of the manager will best enable the prisoners to avail themselves of the same; provided, that all teachers herein provided for shall, as far as practicable, be taken from the convicts, and such teachers may be excused from further labors. The chaplain shall be ex-officio librarian of the penitentiary, passing upon all library books, and direct such other work as may be prescribed for such library management.

Sec. 23. The manager, with the board's approval, shall provide for religious services at prisons, farms and camps where prisoners are kept or worked. He shall employ such chaplains as may be necessary to afford all prisoners an opportunity to attend at least two religious services each month, said chaplains to devote their entire time to religious and moral training and education of the prisoners under their care, teaching them the principles and practice of every Christian and moral duty;



provided that chaplains may also be teachers as provided for in this act.

Sec. 24. The manager with the board's approval shall, except as provided in this act, fix the salaries of all officers and employes of the prison system upon such basis as the labor and ability of the officer or employe entitles him to, such salary to be paid monthly at the end of each month. He shall pay to those employed as guards of the convicts a salary of not less than sixty (\$60.00) dollars per month, and furnish them board and lodging free; provided that for meritorious service and adaptability to the work, such salary may be increased to any guard to an amount not to exceed eighty (\$80.00) dollars per month. No person shall be employed as a guard to guard convicts who is not at least thirty, nor over sixty years of age, of good moral character, and who is not able to read and write, and has not a fair knowledge of the English language, and the manager may provide such other qualifications as he may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors, and the manager shall require all officers and employes connected with the prison system to familiarize themselves with and conform to the rules and regulations and laws governing the prison system of this State; he shall require all officers and employes connected with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Sec. 25. The manager shall see that all State prisoners are fed good and wholesome food, properly prepared under wholesome, sanitary conditions, and in sufficient quantity, and reasonable variety, and he shall hold under officers performing this work strictly to account for any failure to carry out this provision. That the food may be properly prepared, he shall provide for the training of prisoners as cooks.

Sec. 26. The manager shall require at the end of each month reports showing fully the condition and treatment of the prisoners and the changes in the prison population during the month, including itemized statements of all different items of food, clothing and utensils used and on hand in each of the units of the prison system, and such other matters as he may require.

Sec. 27. That persons confined in the State prisons of this State may have

every opportunity and encouragement for moral reform, it shall be the duty of the manager in addition to the requirements of this act, to provide every reasonable and practical means for the encouragement of such reform. To this end, the manager shall provide for the classification of all prisoners, separating them into the following classes: In the first class shall be included young men, first offenders, those appearing to be corrigible, or less vicious than others, and likely to observe the laws, and to maintain themselves by honest industry after their discharge. In the second class shall be included those appearing to be less corrigible, or more vicious, but content to work and reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or with the labor or conduct of those with whom they may be employed. In the third class shall be included those appearing to be incorrigible or so insubordinate or so vicious in their nature as to seriously interfere with the labor and moral development of those with whom they must come in contact. The manager shall make rules and regulations for the promotion and reduction of the prisoners from one class to another, and shall transfer them from one class to another from time to time as they may seem to merit promotion or reduction. All such rules shall be approved by the Prison Board.

Sec. 28. In order that prison discipline may be enforced, the manager, with the board's approval, may adopt such modes of punishment as may be necessary, such punishment being always humane, and placing prisoners in stocks shall be prohibited. Whipping with not exceeding twenty lashes on the bare rump and thighs may be resorted to with prisoners of the third class, who cannot be made to observe the rules by milder methods of punishment. The strap to be used must be of leather, not over two and one-half inches wide, and twenty-four inches long, attached to wooden handle; no convict shall be whipped until same has been authorized by the manager upon his written order, and such order so issued shall be executed only in the presence of a prison physician, and a sworn report shall be made by the officer executing such order to the manager, who shall keep a record of all such reports in a well bound book to be kept for that purpose, which shall be at all times open to public inspection; and such report so to be made by such officer executing the order of the



manager, shall state the name of the convict whipped, and the number of strokes administered, and the size of the strap used, the time and place thereof, in whose presence same was done, and the cause thereof. It shall further be the duty of the manager to make a semi-annual report of the whipping of convicts to the district judge of the county where such whippings occurred, who shall report same to the grand jury, which is hereby authorized to make investigation thereof, if they deem same advisable. The utmost care must be used by the officer executing the order of the manager not to break the skin of the prisoner whipped, and any person guilty of whipping a prisoner more lashes or other than as provided herein, or striking a prisoner, excepting in self defense, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five (\$25.00) dollars, and no more than two hundred and fifty (\$250.00) dollars, and imprisoned in the county jail not less than thirty days, nor more than six months. White and negro prisoners shall not be worked together when it can be avoided, and shall be kept separate when not at work.

Sec. 29. All female prisoners shall be kept separate and apart from the male prisoners. Where practicable, the manager shall keep the female prisoners upon a separate farm, or at a separate prison from the male prisoners, and shall provide reasonable rules and regulations for the government of same.

Sec. 30. The manager shall provide such labor for said female prisoners as in his judgment they can reasonably perform, but the prison physician for such female prisoners shall at any time have the authority to say whether the physical condition of the female prisoners is such that they can perform any physical labor; provided, that in the absence of the physician, the matron shall pass upon the physical condition of the said female prisoners.

Sec. 31. The manager shall keep the white female prisoners, and shall select and place over said female prisoners a matron or matrons, whose duty it shall be to give personal attention to the welfare of such female prisoners. The matron or matrons so employed to look after the welfare of the female prisoners shall reside at the place where female prisoners are kept.

Sec. 32. At the place where female prisoners are kept, none but married men shall be employed as guards, and

the houses for such guards and their families shall be provided by the State, in which the families of the guards shall live. And said guards shall be allowed fifteen dollars (\$15.00) per month in addition to his salary in lieu of his board, said houses not to be situated further than one hundred yards from the main prison building where such female prisoners are kept.

Sec. 33. If a female prisoner be received with infant, or if any child be born in the penitentiary, the child shall be permitted to remain with its mother until three to six years of age, in the discretion of and as prescribed by the manager.

Sec. 34. No prisoner shall be worked on Sunday except in cases of extreme necessity, and all prisoners so required to work on Sunday shall be paid out of the funds of the prison system the sum of one dollar per day for each Sunday so worked.

Sec. 35. In order to encourage prison discipline, a distinction may be made in the treatment of prisoners so as to extend to all such as are orderly, industrious and obedient, comforts and privileges according to their deserts. The reward to be bestowed on prisoners for good conduct shall consist of such relaxation of strict prison rules and extension of social privileges as may be consistent with proper discipline, commutation of time for good conduct shall be granted by the manager, and the following deduction shall be made from the term or terms of sentences when no charges of misconduct has been sustained against a prisoner, viz.: Two days per month off of the first year's sentence; three days per month off of the second year of sentence; four days per month off of the third year of sentence; five days per month off of the fourth year of sentence; six days per month off the fifth year sentence; seven days per month off of the sixth year of sentence; eight days per month off of the seventh year of sentence; nine days per month off of the eighth year of sentence; ten days per month off of the ninth year of sentence; fifteen days per month off of the tenth year, and all succeeding years of sentence. A prisoner under two or more cumulative sentences shall be allowed commutation as if they were all one sentence.

For each sustained charge of misconduct in violation of any rule known to the prisoner in any year of the term the commutation allowed for one month of such year may be forfeited, for any sus-

tained charge of escape or attempt to escape, mutinous conduct or other serious misconduct, all the commutation which shall have accrued in favor of the prisoner up to that day shall be forfeited unless in case of escape, the prisoner voluntarily returns without expense to the State, such forfeiture may be set aside by the manager. For extra meritorious conduct on the part of any prisoner, he shall be recommended to the favorable consideration of the Governor for increased commutation or pardon, and in case of any prisoner who shall have escaped and been captured, part or all of his good time thereby forfeited may be restored by the manager, if in his judgment his subsequent conduct entitles him thereto.

Sec. 36. Suitable clothing of substantial material, uniform make and reasonable fit, and such footwear as will be substantial and comfortable, shall be furnished the prisoners, and no prisoner shall be allowed to wear other clothing than that furnished by the prison authorities, except in case of extra meritorious conduct, only. The manager may allow the prisoners to wear citizens underwear. Sufficient food of wholesome quality and variety, and wholesomely prepared shall be furnished to all, and such provision shall be made for serving the food to prisoners as will tend to encourage and elevate them. Prisoners shall not be allowed spirituous, vinous or malt liquors, except upon the prescription of the physician.

Sec. 37. Prisoners shall be kept at work under such rules and regulations as may be adopted by the manager with the board's approval; provided, that no prisoner shall be required to work more than ten hours per day, except in cases of extreme and unavoidable emergency, which time shall include the time spent in going to and returning from their work, but not to include the intermission for dinner, which shall be not less than one hour. And in cases of such extreme and unavoidable emergency, said prisoner shall receive a deduction of time equal to double the hours so worked from the term or terms of sentence. In going to and returning from work, prisoners shall not be required to travel faster than a walk. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such labor as the prison physician may pronounce him unable to perform. No prisoner upon his admission to the prison shall be assigned to any labor until first

having been examined by the prison physician. Any officer or employe violating any provision of this section shall be dismissed from the service.

Sec. 38. Prisoners who have been reported by the physician or other officer in charge as in a condition of health which requires their removal to some other place, shall be accordingly removed.

Sec. 39. Prisoners when received into the penitentiary shall be carefully searched. If money be found on the person of the prisoner, or received by him at any time, it shall be taken in charge by the manager, and placed to the prisoner's credit, and expended for the prisoner's benefit on his written order, and under such restrictions as may be prescribed by law or the rules. Any officer or employe having charge of the prisoner's money who misappropriates the same, or any part thereof, shall be deemed guilty of a felony, and upon conviction thereof, shall be confined in the penitentiary for a term of not more than five years.

Sec. 40. If any prisoner shall die while in prison, the officer in charge of the prisoner at the time of his death, shall immediately report the same to the manager, and, if he knows the address or place of residence of any relative within the third degree, either by consanguinity or affinity, shall also notify by wire said relative of the death of such prisoner, and if the relative of such prisoner claim the body, or will take charge of same, then the body of such prisoner shall be turned over to such relative, and the expense of shipping the body to where it is to be buried, provided it is within this State, shall be paid by the manager out of any available penitentiary fund on hand upon the request of such relative. If the residence and address of the relative of such prisoner is unknown, such prisoner shall be decently buried in citizens clothes, and the grave marked by a stone with the name of the said prisoner, date of death and age, if known, inscribed thereon. If the body of such prisoner is not claimed by the relatives, the manager shall at once notify the county judge of the county from which the prisoner was sentenced of his death, the date and cause of death, and place of burial. The manager shall cause to be made and kept a record of the death of prisoners, and certified copies of same made by the custodian thereof shall be admissible in evidence under the rules of law applying to official records. Any of-

ficer or employe of the prison system of whom any duties are required by this section who shall fail to discharge such duties, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding five hundred dollars (\$500.00).

Sec. 41. The manager or other person in charge of prisoners, upon the death of any prisoner under their care and control, shall at once notify the nearest justice of the peace of the county in which said prisoner died, of the death of said prisoner, and it shall be the duty of said justice of the peace, when so notified of the death of such prisoner, to go in person, and make a personal examination of the body of such prisoner, and inquire into the cause of the death of such prisoner, and said justice of the peace shall reduce to writing the evidence taken during such inquest, and shall furnish a copy of the same to the manager, and a copy of the same to the district judge of the county in which said prisoner died, and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury, and the said judge shall charge the grand jury, if there should be any suspicion of wrong doing shown by the inquest papers, to thoroughly investigate the cause of such death. Any officer or employe of the prison system having charge of any prisoner at the time of the death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, and by confinement in the county jail, not less than sixty days, nor more than one year; provided, that the justice of the peace making such examination shall be paid a fee as is now provided by law for holding inquests, said fee to be on sworn account therefor, and approved by the manager.

Sec. 42. The manager, with the board's approval, shall provide for competent medical attention for all prisoners, and shall establish rules whereby all physicians shall be required to keep a record of all cases of sickness, accident or injury which they treat. The physicians so employed shall be reputable practicing physicians of not less than two years of experience in practice. Each physician employed in the prison system shall, at the end of each month, file with the manager a report in writing, subscribed and

sworn to by him, which report shall state the names, race and sex of each prisoner treated or examined by him during said month, the malady or disease with which each was afflicted, and if any shall be suffering with wounds or injuries inflicted by accident, or some individual, he shall state the nature and extent of said injuries, by whom and by what means afflicted, or how the same occurred, and all such other information concerning said matters, and the condition of each prisoner treated or examined by him during said months, as he may possess; it is further provided that for failure to make such a report, or for any false statement knowingly made by any such physician in any such reports, he shall be prosecuted for the offense of perjury or false swearing, by law, competent dentist or dentists whose duty it shall be to care for the teeth of the prisoners shall also be provided. Such dentist or dentists shall, at the direction of the manager, visit the various places where prisoners are kept or worked, at such intervals as may be prescribed.

Sec. 43. When a prisoner is entitled to a discharge from the prison, he or she shall be furnished with a written or printed discharge from the manager, with seal affixed, signed by the manager, giving prisoner's name, date of sentence, from what county sentenced, amount of commutation received, if any, the trade he has learned, if any, his proficiency in same, and such other description as may be practicable. Such discharged person shall be furnished with a decent outfit of citizen's clothing of good quality and fit, two suits of underwear, fifty dollars in money in addition to any money held to his or her credit, provided that if the terms served, exceed ten years, the sum of money shall be seventy-five dollars, and if the terms exceed twenty years, the sum of money shall be one hundred dollars. As far as may be practicable the Prison Board may authorize the creation of a bureau for the purpose of placing discharged prisoners in connection with employment, provided such will not be an extra expense to the prison system.

Sec. 44. The Governor, and all other members of the Executive and Judicial Departments of the State, and members of the Legislature, shall be admitted into the prisons, camps and other places where prisoners are kept or worked, at all proper hours, for the purpose of observing the conduct thereof, and may hold conversation with the convicts, apart from all prison officers. Other



persons may visit the penitentiary under such rules and regulations as may be established.

Sec. 45. The manager, with the board's approval, may offer such reward for the apprehension of an escaped prisoner, as may be fixed by the manager, and to be paid as directed by the manager.

Sec. 46. Any officer or employe of the prison system who shall fraudulently convert to his own use and benefit any food, clothing, or other property belonging to or under control of the prison system, shall be guilty of theft and upon conviction be punished as prescribed by law.

Sec. 47. Any officer, agent or employe in such capacity connected with the prison system of this State who shall be financially interested either directly or indirectly, in any contract for the furnishing of supplies or property to the prison system or who shall be financially interested in any contract to which said prison system is a party or who shall knowingly and fraudulently sell or dispose of any property belonging to said prison system below its reasonable market value, or who shall be financially interested in any other transaction connected with the prison system, shall be guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than two years, nor more than five years, and each transaction shall constitute a separate offense.

Sec. 48. Any sergeant, guard or other officer or employe of the prison system of this State, who shall inflict any punishment upon a prisoner not authorized by the rules of the prison system, shall be guilty of an assault, and upon conviction thereof, shall be punished as prescribed by law, and it shall be the duty of the manager to make complaint before the proper officer of any county in which such assault was committed upon such prisoner. Provided, that in all cases where any person is charged by complaint or indictment with an offense against a prisoner, prisoners and ex-prisoners shall be permitted to testify.

Sec. 49. No gambling shall be permitted at any prison, farm or camp, where prisoners are kept or worked. Any officer or employe engaging in or knowingly permitting gambling at any such prison, farm or camp shall be immediately dismissed from the service.

Sec. 50. The Prison Board shall provide a seal whereon shall be engraved

in the center a star of five points and the words, "Prison Board of Texas," around the margin, which seal shall be used to attest all official acts.

Sec. 51. The manager, with the approval of the Prison Board, and with the consent of the Governor, shall have the power to work convicts on public works, under the supervision of the State prison authorities, when they cannot employ them on the State farms or within the walls by reason of some unforeseen calamity, such as failure of crops, or the destruction of crops by wind or flood.

Sec. 52. All civil actions and all grand jury investigations and criminal prosecutions not otherwise provided for in this act, shall have their venue in Travis county, Texas.

Sec. 53. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 54. In case any part or section of this act is declared invalid, it shall not affect the remaining sections of this act.

Sec. 55. The fact that in the general State election held on the first Tuesday in November, 1926, there was adopted an amendment to the State Constitution abolishing the present Prison Commission and delegating full power and authority to the Legislature to provide by law for the management and control of the State prison system; and the further fact that for the betterment of the control and management of the State prison system it is deemed best to place it under the control of a general manager subject to the approval of a prison board, such as is provided for in this act, creates an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended and that this act shall take effect and be in force from and after its passage and it is so enacted.

Mr. Satterwhite offered the following amendment to the amendment:

Amend Committee Substitute House bill No. 59, page 4, lines 16 and 17, by striking out the words "the chairman of the State Board of Control and."

The amendment to the amendment was adopted.

Mr. Satterwhite offered the following amendment to the amendment:

Amend Committee Substitute House bill No. 59, page 7, line 10, by inserting between the words "duty" and the word "to," the words "of said board."



The amendment to the amendment was adopted.

Mr. Satterwhite offered the following amendment to the amendment:

Amend Committee Substitute House bill No. 59, page 7, line 20, by striking out the word "Governor," and insert in lieu thereof the word "Legislature."

(Pending consideration of the amendment, Mr. Holland occupied the chair temporarily.)

(Speaker in the chair.)

#### RECESS.

Mr. Harman moved that the House recess to 2 o'clock p. m. today.

Mr. Kinnear moved that the House recess to 1:30 o'clock p. m. today.

The motion of Mr. Harman prevailed, and the House accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

#### HOUSE BILL NO. 59 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 59, relating to the State Prison System, on its passage to engrossment, with amendment by Mr. Satterwhite, and an amendment by Mr. Satterwhite to the amendment pending.

Mr. Kincaid offered the following substitute for the amendment to the amendment:

Amend House bill No. 59 by adding to Section 12, after line 9, page 8: "Provided, that should the Prison Board decide to relocate the prison system on land not now owned in whole or in part by the said system, it shall be the duty of the Prison Board to submit such new location to the Legislature of the State of Texas for its approval."

On motion of Mr. Cummings the substitute amendment to the amendment was tabled.

Mr. Bonham offered the following substitute for the amendment to the amendment:

Amend the substitute by eliminating Sections 12 and 13, and inserting in lieu thereof a new Section No. 12, reading as follows, to wit:

"Section 12. The Prison Board shall have power to make and enter into con-

tracts, which shall become final upon ratification by the Legislature, to purchase, sell or lease any such land or other fixed property and appurtenances belonging thereto, as may in their judgment be necessary in the operation, concentration, or relocation of said prison system, and the proper employment of said prisoners confined therein, and upon the ratification of such contracts of purchase or sale said board shall have power to execute any and all such instruments as may be necessary to carry out said contracts, such instruments to be prepared and approved by the Attorney General of the State of Texas; provided that 1-16 (one-sixteenth) of the mineral rights of any and all lands sold shall be reserved to the State. The title to all lands so contracted to be purchased by said Prison Board shall first be examined, passed upon, and approved as good and sufficient by the Attorney General of the State, and the title to all lands so purchased shall be vested in the Prison Board and their successors in office as trustees for the State. In the event said Prison Board desires to relocate said prison system, then contracts of sale of such present holdings as may be deemed necessary, and the purchase of such new lands as may be necessary, shall be submitted together to the Legislature for ratification."

(Mr. Johnson in the chair.)

Question recurring on the substitute amendment by Mr. Bonham, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—22.

Bird.	Pearce.
Black.	Pope.
Bonham.	Purl.
Boon.	Renfro
Brown.	of Angelina.
Enderby.	Sanders.
Jacks.	Simmons.
Justice.	Sinks.
Kayton.	Snelgrove.
Kirkland.	Taylor.
Land.	Turner.
Long.	

Nays—80

Acker.	Dielmann.
Alexander.	Duvall.
Bass.	Eickenroht.
Bateman.	Faulk.
Branch.	Finlay.
Conway.	Fly.
Cornwell.	Forbes.
Davis.	Gates.
DeBerry.	Gilbert.

Graves.	Renfro of Mills.
Gray.	Rogers of Hays.
Hagaman.	Rogers of Shelby.
Harding.	Satterwhite.
Harman.	Shaver.
Hefley.	Shearer.
High.	Sheats.
Holland.	Shirley.
Johnson.	Smith of Atascosa.
Jones.	Smith of Nueces.
Kennedy.	Smith of Smith.
Kincaid.	Smyth.
King of Hopkins.	Stevenson.
King of Throckmorton.	Stout.
Kinnear.	Swain.
Lipscomb.	Teer.
McCombs.	Van Zandt.
McGill.	Veatch.
Montgomery.	Wallace.
Morse.	of Freestone.
Moursund.	Wallace of Panola.
Murphy.	Wallace of Smith.
Nabors.	Wassell.
Nicholson.	Webb.
Olsen.	Wells.
Parish of Runnels.	Whitaker.
Parrish of Travis.	Williams
Poage.	of Sabine.
Pool.	Williams
Porter.	of Travis.
Ramsey.	Woodall.
Rawlins.	Young.

## Absent.

Anderson.	Kemble.
Avis.	Kenyon.
Barnett.	Loftin.
Barron.	McKean.
Beck.	Pavlica.
Boggs.	Petsch.
Cox.	Reagan.
Cummings.	Rowell.
Daniel.	Runge.
Denman.	Smith of El Paso.
Dunlap.	Storey.
Durham.	Sutton.
Farrar.	Waddell.
Gibson.	Walker.
Hall.	Ware.
Holder.	Williamson.
Hornaday.	

## Absent—Excused.

Albritton.	Merritt.
Foster.	Minor.
Fuchs.	Powell.
Kirby.	Stell.
Loy.	Tillotson.
Masterson.	Woodruff.

Mr. Purl moved the previous question on the pending amendment, and the motion was not seconded.

(Speaker in the chair.)

Question recurring on the amendment by Mr. Satterwhite to the pending amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—80.

Barnett.	Nabors.
Barron.	Olsen.
Bass.	Pavlica.
Bateman.	Pearce.
Bird.	Pool.
Black.	Pope.
Boggs.	Porter.
Bonham.	Purl.
Boon.	Ramsey.
Brown.	Renfro
Cornwell.	of Angelina.
DeBerry.	Renfro of Mills.
Dielmann.	Rogers of Hays.
Durham.	Rogers of Shelby.
Enderby.	Rowell.
Eickenroht.	Sanders.
Faulk.	Satterwhite.
Finlay.	Shaver.
Fly.	Sheats.
Gibson.	Shirley.
Gilbert.	Simmons.
Graves.	Sinks.
Gray.	Smith of Atascosa.
Harding.	Smith of Nueces.
High.	Smyth.
Holland.	Snelgrove.
Jacks.	Stevenson.
Johnson.	Stout.
Justice.	Swain.
Kayton.	Turner.
Kennedy.	Van Zandt.
Kincaid.	Wallace of Panola.
King of Hopkins.	Wallace of Smith.
King of Throckmorton.	Wassell.
Kinnear.	Webb.
Kirkland.	Whitaker.
Land.	Williams
Long.	of Sabine.
Loy.	Williams
Masterson.	of Travis.
Murphy.	Woodall.

## Nays—33.

Acker.	Jones.
Alexander.	Kemble.
Branch.	Lipscomb.
Conway.	McCombs.
Cox.	McGill.
Cummings.	Montgomery.
Davis.	Morse.
Denman.	Moursund.
Duvall.	Nicholson.
Forbes.	Parrish of Travis.
Hagaman.	Petsch.
Harman.	Poage.
Hefley.	Shearer.
Hornaday.	Smith of El Paso.

Sutton. Veatch.  
Taylor. Wells.  
Teer.

Present—Not Voting.

Smith of Smith. Young.  
Wallace of Freestone.

Absent.

Anderson.	McKean.
Avis.	Parish of Runnels.
Beck.	Rawlins.
Daniel.	Reagan.
Dunlap.	Runge.
Farrar.	Storey.
Gates.	Waddell.
Hall.	Walker.
Holder.	Ware.
Kenyon.	Williamson.
Loftin.	

Absent—Excused.

Albritton.	Minor.
Foster.	Powell.
Fuchs.	Stell.
Kirby.	Tillotson.
Merritt.	Woodruff.

Paired.

Mr. Smith of Smith (present), who would vote "yea," with Mr. Waddell (absent), who would vote "nay."

Mr. Wallace of Freestone (present), who would vote "nay," with Mr. Farrar (absent), who would vote "yea."

Mr. Young (present), who would vote "yea," with Mr. Anderson (absent), who would vote "nay."

Mr. Fly moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Satterwhite offered the following amendments to the amendment:

Amend Committee Substitute House bill No. 59, page 7, lines 21 and 22, by striking out the words "protection," and inserting in lieu thereof the word "relocation."

Amend Committee Substitute House bill No. 59, page 10, line 33, by striking out the word "Governor," and insert in lieu thereof the word "Board."

The amendments were severally adopted.

Mr. Long offered the following amendment to the amendment:

Amend House bill No. 59 by striking out that part of Section 7, page 4, of lines 39 and 40, "the manager shall receive as compensation for his services the sum of not more than ten thousand

dollars (\$10,000.00) per year," and insert in lieu thereof the following: "The manager shall receive as compensation for his services the sum of not more than seven thousand five hundred dollars (\$7,500.00) per year."

Question recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—43.

Bass.	King of
Bateman.	Throckmorton.
Beck.	Kirkland.
Bird.	Long.
Black.	Olsen.
Boggs.	Parish of Runnels.
Bonham.	Pavlica.
Boon.	Pearce.
Davis.	Purl.
Denman.	Ramsey.
Enderby.	Renfro of Mills.
Faulk.	Rogers of Shelby.
Finlay.	Sanders.
Forbes.	Shirley.
Gibson.	Simmons.
Gilbert.	Smith of Atascosa.
Graves.	Smith of El Paso.
Gray.	Smith of Nueces.
Hefley.	Veatch.
High.	Webb.
Kennedy.	Williams
Kincaid.	of Sabine.
	Woodall.

Nays—64.

Acker.	Montgomery.
Alexander.	Morse.
Barnett.	Moursund.
Barron.	Murphy.
Brown.	Nabors.
Conway.	Nicholson.
Cornwell.	Parrish of Travis.
Cummings.	Petsch.
DeBerry.	Poage.
Dielmann.	Pool.
Durham.	Pope.
Duvall.	Porter.
Eickenroht.	Rawlins.
Fly.	Rogers of Hays.
Hagaman.	Rowell.
Harding.	Satterwhite.
Holland.	Shaver.
Jacks.	Shearer.
Johnson.	Sheats.
Jones.	Sinks.
Justice.	Smith of Smith.
Kayton.	Smyth.
Kemble.	Snelgrove.
King of Hopkins.	Stout.
Kinnear.	Swain.
Land.	Taylor.
McCombs.	Teer.
McGill.	Van Zandt.

Wallace of Freestone.	Whitaker.
Wallace of Panola.	Williams of Travis.
Wassell.	Young.
Wells.	

Present—Not Voting.

Stevenson.	Wallace of Smith.
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Absent.

Anderson.	Loftin.
Avis.	McKean.
Branch.	Reagan.
Cox.	Renfro
Daniel.	of Angelina.
Dunlap.	Runge.
Farrar.	Storey.
Gates.	Sutton.
Hall.	Turner.
Harman.	Waddell.
Holder.	Walker.
Hornaday.	Ware.
Kenyon.	Williamson.
Lipscomb.	

Absent—Excused.

Albritton.	Merritt.
Foster.	Minor.
Fuchs.	Powell.
Kirby.	Stell.
Loy.	Tillotson.
Masterson.	Woodruff.

Mr. Satterwhite offered the following amendments to the amendment:

Amend Committee Substitute House bill No. 59, page 13, line 39, by adding after the word "cooks," the following: "Prisoners shall not be allowed spirituous, vinous nor malt liquors, except from the prescription of a physician."

Amend Committee Substitute House bill No. 59, page 16, line 28, by inserting after the word "discipline," a period, and substitute a capital "C" for the lower case "c" in the word "commutation."

Amend Committee Substitute House bill No. 59, page 17, line 24, by striking out all of said line after the word "underwear," and all of lines 25, 26, 27, 28 and 29.

Amend Committee Substitute House bill No. 59, pages 15 and 16, by striking out all of Sections 31 and 32 and insert in lieu thereof the following:

"Section 31. The board shall provide reasonable rules for the government of female convicts, and shall (1) keep them separate and apart from the male convicts, and where practicable, at a separate farm or prison; (2) separate the white and negro female convicts, and se-

lect and place over them matrons who shall give their personal attention to the welfare of such convicts. Such matrons shall reside at the place where the female convicts are kept; (3) provide such labor for them as they can reasonably perform, as the prison physician shall determine, or in his absence the matron shall pass upon their physical condition; (4) employ none but married men as guards, and provide houses for such guards and their families."

Then renumber all succeeding sections to correspond.

Amend Committee Substitute House bill No. 59, page 22, line 16, by striking out the word "of" between the words "walls" and "reason," and insert in lieu thereof the word "by."

The amendments were severally adopted.

On motion of Mr. Bonham, further consideration of the bill was postponed until 10 o'clock a. m. tomorrow.

#### CONFERENCE COMMITTEE ON SENATE BILL NO. 55.

Mr. Wells called up from the Speaker's table, for consideration at this time, the request of the Senate for a free conference committee on Senate bill No. 55.

The Speaker laid the request of the Senate before the House.

Question—Shall the request be granted?

Mr. Wells moved that the request be granted.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Wallace of Freestone, Parish of Runnels, Sinks, Petsch and Wells.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 11, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 100, A bill to be entitled "An Act amending Article 6815 of Title 117, Revised Civil Statutes of the State of Texas of 1925, so as to provide a salary for the Superintendent of the State Tuberculosis Sanatorium of \$5,000 per annum; and the salary of the store keeper and accountant of the State Tuberculosis



Sanatorium at an annual salary not to exceed \$2,000, and declaring an emergency."

S. B. No. 66, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas, by exempting from jury service agents and patrolmen engaged in forestry protection work employed by the State Department of Forestry when engaged in the regular and actual discharge of their duties, and declaring an emergency."

S. C. R. No. 16, Expressing the appreciation of the Legislature to people of Mineral Wells, Texas, for donation of certain lands to Texas National Guard.

The Senate has agreed to concur in House amendments to Senate bill No. 18, by vote of 23 yeas, no nays.

Respectfully,

MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 11, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has agreed to concur in House amendments to Senate bill No. 56.

The Senate refuses to concur in House amendments to Senate bill No. 55, and requests the House for the appointment of a Free Conference Committee to adjust the differences. The following are appointed as conferees on part of the Senate:

Senators Berkley, Wood, Witt, Hall and Bledsoe.

Respectfully,

MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 372 ON SECOND READING.

On motion of Mr. Acker, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 372, A bill to be entitled "An Act fixing in counties having a population in excess of 150,000 inhabitants, and in which there is no county attorney, the compensation of and providing for the appointment of assistant district attorneys, investigators, stenographers and other employes, and providing for their salaries and the manner

of their payment, and providing for the purchase, operation and maintenance of automobiles, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

#### HOUSE BILL NO. 372 ON THIRD READING.

• Mr. Acker moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 372 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

Mr. Speaker.

Acker.

Alexander.

Barnett.

Barron.

Bass.

Bateman.

Bird.

Black.

Boggs.

Boon.

Brown.

Conway.

Cornwell.

Cox.

Cummings.

DeBerry.

Denman.

Dielmann.

Durham.

Duvall.

Enderby.

Faulk.

Finlay.

Fly.

Forbes.

Gates.

Gilbert.

Graves.

Gray.

Hagaman.

Harding.

Harman.

Hefley.

Holland.

Hornaday.

Jacks.

Johnson.

Jones.

Kayton.

Kemble.

Kennedy.

King of Hopkins.

Kinnear.

Kirkland.

Land.

Lipscomb.

Long.

McCombs.

McGill.

Montgomery.

Morse.

Moursund.

Murphy.

Nabors.

Nicholson.

Olsen.

Parish of Runnels.

Parrish of Travis.

Pavlica.

Pearce.

Poage.

Pool.

Porter.

Purl.

Ramsey.

Rawlins.

Renfro

of Angelina.

Rogers of Hays.

Rogers of Shelby.

Rowell.

Sanders.

Satterwhite.

Shaver.

Shearer.

Shirley.

Simmons.

Sinks.

Smith of Atascosa.

Smith of El Paso.

Smith of Smith.

Smyth.

Snelgrove.

Stevenson.

Stout.

Sutton.

Taylor.

Veatch.

Wallace of Freestone.	Wells. Williams of Travis.
Wallace of Panola.	Woodall.
Wallace of Smith.	Young.
Wassell.	

Nays—3.

Davis.	Whitaker.
Van Zandt.	

Present—Not Voting.

Eickenroht.	Justice.
High.	Kincaid.

Absent.

Anderson.	Pope.
Avis.	Reagan.
Beck.	Renfro of Mills.
Bonham.	Runge.
Branch.	Sheats.
Daniel.	Smith of Nueces.
Dunlap.	Storey.
Farrar.	Swain.
Gibson.	Teer.
Hall.	Turner.
Holder.	Waddell.
Kenyon.	Walker.
King of Throckmorton.	Ware.
Loftin.	Webb.
McKean.	Williams of Sabine.
Petsch.	Williamson.

Absent—Excused.

Albritton.	Merritt.
Foster.	Minor.
Fuchs.	Powell.
Kirby.	Stell.
Loy.	Tillotson.
Masterson.	Woodruff.

The Speaker then laid House bill No. 372 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—97.

Mr. Speaker.	Cummings.
Acker.	DeBerry.
Alexander.	Denman.
Barnett.	Dielmann.
Barron.	Durham.
Bass.	Duvall.
Bateman.	Enderby.
Bird.	Faulk.
Black.	Finlay.
Boggs.	Fly.
Boon.	Forbes.
Brown.	Gates.
Conway.	Gilbert.
Cornwell.	Graves.
Cox.	Gray.

Hagaman.	Rawlins.
Harding.	Renfro
Harman.	of Angelina.
Hefley.	Rogers of Hays.
Holland.	Rogers of Shelby.
Hornaday.	Rowell.
Jacks.	Sanders.
Johnson.	Satterwhite.
Jones.	Shaver.
Kayton.	Shearer.
Kemble.	Shirley.
Kennedy.	Simmons.
King of Hopkins.	Sinks.
Kinnear.	Smith of Atascosa.
Kirkland.	Smith of El Paso.
Land.	Smith of Smith.
Lipscomb.	Smyth.
Long.	Snelgrove.
McCombs.	Stevenson.
McGill.	Stout.
Montgomery.	Sutton.
Morse.	Taylor.
Moursund.	Van Zandt.
Murphy.	Veatch.
Nabors.	Wallace
Nicholson.	of Freestone.
Olsen.	Wallace of Panola.
Parish of Runnels.	Wallace of Smith.
Parrish of Travis.	Wassell.
Pavlica.	Wells.
Pearce.	Whitaker.
Poage.	Williams
Pool.	of Travis.
Porter.	Woodall.
Purl.	Young.
Ramsey.	

Nays—1.

Davis.

Present—Not Voting.

Eickenroht.	Justice.
High.	Kincaid.

Absent.

Anderson.	Pope.
Avis.	Reagan.
Beck.	Renfro of Mills.
Bonham.	Runge.
Branch.	Sheats.
Daniel.	Smith of Nueces.
Dunlap.	Storey.
Farrar.	Swain.
Gibson.	Teer.
Hall.	Turner.
Holder.	Waddell.
Kenyon.	Walker.
King of Throckmorton.	Ware.
Loftin.	Webb.
McKean.	Williams
Petsch.	of Sabine.
	Williamson.

Absent—Excused.

Albritton.	Fuchs.
Foster.	Kirby.

Loy.  
Masterson.  
Merritt.  
Minor.

Powell.  
Stell.  
Tillotson.  
Woodruff.

# HOUSE BILL NO. 264 ON SECOND READING.

On motion of Mr. Brown, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 264, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to revalue, reclassify and give new notice on all scrap school surveys, which were valued and classified on March 26, 1926, and allow all applicants sixty days after such reclassification and revaluation in which to file applications to purchase said land, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

(Mr. Satterwhite in the chair.)

# HOUSE BILL NO. 264 ON THIRD READING.

Mr. Brown moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 264 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

Mr. Speaker.	Forbes.
Alexander.	Gates.
Barnett.	Gilbert.
Barron.	Graves.
Bass.	Gray.
Bateman.	Hagaman.
Bird.	Harding.
Black.	Harman.
Boggs.	Hefley.
Boon.	High.
Brown.	Holland.
Conway.	Hornaday.
Cornwell.	Jacks.
Cox.	Johnson.
Cummings.	Jones.
Davis.	Justice.
DeBerry.	Kayton.
Denman.	Kemble.
Dielmann.	Kincaid.
Durham.	King of Hopkins.
Duvall.	Kinnear.
Enderby.	Kirkland.
Eickenroht.	Land.
Faulk.	Lipscomb.
Finlay.	Long.
Fly.	McCombs.

McGill.  
Montgomery.  
Morse.  
Murphy.  
Nabors.  
Nicholson.  
Olsen.  
Parish of Runnels.  
Parrish of Travis.  
Pavlica.  
Pearce.  
Poage.  
Pope.  
Porter.  
Purl.  
Ramsey.  
Rawlins.  
Renfro  
of Angelina.  
Rogers of Hays.  
Rogers of Shelby.  
Rowell.  
Sanders.  
Satterwhite.  
Shaver.

Shearer.  
Shirley.  
Simmons.  
Sinks.  
Smith of Atascosa.  
Smith of El Paso.  
Smith of Nueces.  
Smith of Smith.  
Smyth.  
Snelgrove.  
Stevenson.  
Stout.  
Sutton.  
Taylor.  
Veatch.  
Wallace  
of Freestone.  
Wallace of Panola.  
Wallace of Smith.  
Wassell.  
Williams  
of Sabine.  
Williams  
of Travis.  
Young.

Nays—3.

Van Zandt.  
Wells.

Whitaker.

Present—Not Voting.

Kennedy.

Woodall.

Absent.

Acker.  
Anderson.  
Avis.  
Beck.  
Bonham.  
Branch.  
Daniel.  
Dunlap.  
Farrar.  
Gibson.  
Hall.  
Holder.  
Kenyon.  
King of  
Throckmorton.  
Loftin.  
McKean.

Moursund.  
Petsch.  
Pool.  
Reagan.  
Renfro of Mills.  
Rünge.  
Sheats.  
Storey.  
Swain.  
Teer.  
Turner.  
Waddell.  
Walker.  
Ware.  
Webb.  
Williamson.

Absent—Excused.

Albritton.  
Foster.  
Fuchs.  
Kirby.  
Loy.  
Masterson.

Merritt.  
Minor.  
Powell.  
Stell.  
Tillotson.  
Woodruff.

The Speaker then laid House bill No. 264 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:



## Yeas—99.

Alexander.	Morse.
Barnett.	Moursund.
Barron.	Murphy.
Bass.	Nabors.
Bateman.	Nicholson.
Bird.	Olsen.
Black.	Parish of Runnels.
Boggs.	Parrish of Travis.
Boon.	Pavlica.
Brown.	Pearce.
Conway.	Poage.
Cornwell.	Pope.
Cox.	Porter.
Cummings.	Purl.
Davis.	Ramsey.
DeBerry.	Rawlins.
Denman.	Renfro
Dielmann.	of Angelina.
Durham.	Rogers of Hays.
Duvall.	Rogers of Shelby.
Enderby.	Rowell.
Faulk.	Shearer.
Finlay.	Shirley.
Fly.	Simmons.
Forbes.	Sinks.
Gates.	Smith of Atascosa.
Gilbert.	Smith of El Paso.
Graves.	Smith of Nueces.
Gray.	Smith of Smith.
Hagaman.	Smyth.
Harman.	Snelgrove.
Hefley.	Stevenson.
High.	Stout.
Hornaday.	Sutton.
Jacks.	Taylor.
Johnson.	Van Zandt.
Jones.	Veatch.
Justice.	Wallace
Kayton.	of Freestone.
Kemble.	Wallace of Panola.
Kennedy.	Wallace of Smith.
Kincaid.	Wassell.
King of Hopkins.	Wells.
Kinnear.	Whitaker.
Kirkland.	Williams
Land.	of Sabine.
Lipscomb.	Williams
Long.	of Travis.
McCombs.	Woodall.
McGill.	Young.
Montgomery.	

## Present—Not Voting.

Eickenroht.

## Absent.

Acker.	Gibson.
Anderson.	Hall.
Avis.	Harding.
Beck.	Holder.
Bonham.	Holland.
Branch.	Kenyon.
Daniel.	King of
Dunlap.	Throckmorton.
Farrar.	Loftin.

McKean.  
Petsch.  
Pool.  
Reagan.  
Renfro of Mills.  
Runge.  
Sanders.  
Satterwhite.  
Shaver.  
Sheats.

Storey.  
Swain.  
Teer.  
Turner.  
Waddell.  
Walker.  
Ware.  
Webb.  
Williamson.

## Absent—Excused.

Albritton.	Merritt.
Foster.	Minor.
Fuchs.	Powell.
Kirby.	Stell.
Loy.	Tillotson.
Masterson.	Woodruff.

## HOUSE BILL NO. 11 ON THIRD READING.

On motion of Mr. Rogers of Shelby, by unanimous consent, the regular order of business was suspended to take up and have placed on its third reading and final passage,

H. B. No. 11, A bill to be entitled "An Act to create Road District Number Four (4) of Shelby county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated August 11, 1919, and numbered 171 to 210, inclusive, and also the bonds of said district, dated October 10, 1923, and numbered respectively from 1 to 50, inclusive, and providing for their payment by the annual levy, assessment, and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners court of said county in respect of said designated road district bonds, but none others, and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The Speaker laid the bill before the House, it was read third time, and was passed.

## HOUSE BILL NO. 257 ON SECOND READING.

On motion of Mr. Fly, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 257, A bill to be entitled "An Act to relinquish and quit claim

unto cities and towns or municipalities which were founded on March 10, 1826," etc.

The Speaker laid the bill before the House, it was read second time, and was passed to engrossment.

### HOUSE BILL NO. 257 ON THIRD READING.

Mr. Fly moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 257 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker.	Land.
Alexander.	Long.
Barnett.	McCombs.
Barron.	McGill.
Bass.	Morse.
Bateman.	Moursund.
Bird.	Murphy.
Black.	Nabors.
Boggs.	Nicholson.
Boon.	Olsen.
Brown.	Parish of Runnels.
Conway.	Parrish of Travis.
Cornwell.	Pavlica.
Cox.	Pearce.
Cummings.	Poage.
Davis.	Pool.
DeBerry.	Pope.
Denman.	Purl.
Dielmann.	Ramsey.
Durham.	Rawlins.
Duvall.	Rogers of Hays.
Enderby.	Rogers of Shelby.
Eickenroht.	Rowell.
Faulk.	Sanders.
Finlay.	Satterwhite.
Fly.	Shaver.
Forbes.	Shearer.
Gates.	Shirley.
Gilbert.	Simmons.
Gray.	Sinks.
Hagaman.	Smith of Atascosa.
Harding.	Smith of El Paso.
Harman.	Smith of Nueces.
Hefley.	Smith of Smith.
High.	Snelgrove.
Hornaday.	Stevenson.
Jacks.	Stout.
Johnson.	Sutton.
Jones.	Taylor.
Kayton.	Van Zandt.
Kemble.	Veatch.
Kennedy.	Wallace
Kincaid.	of Freestone.
Kinnear.	Wallace of Panola.
King of Hopkins.	Wassell.
King of	Wells.
Throckmorton.	Williams
Kirkland.	of Sabine.

Williams  
of Travis.

Woodall.  
Young.

Nays—1.

Whitaker.

Absent.

Acker.  
Anderson.  
Avis.  
Beck.  
Bonham.  
Branch.  
Daniel.  
Dunlap.  
Farrar.  
Gibson.  
Graves.  
Hall.  
Holder.  
Holland.  
Justice.  
Kenyon.  
Lipscomb.  
Loftin.  
McKean.  
Montgomery.

Petsch.  
Porter.  
Reagan.  
Renfro  
of Angelina.  
Renfro of Mills.  
Runge.  
Sheats.  
Smyth.  
Storey.  
Swain.  
Teer.  
Turner.  
Waddell.  
Walker.  
Wallace of Smith.  
Ware.  
Webb.  
Williamson.

Absent—Excused.

Albritton.  
Foster.  
Fuchs.  
Kirby.  
Loy.  
Masterson.

Merritt.  
Minor.  
Powell.  
Stell.  
Tillotson.  
Woodruff.

The Speaker then laid House bill No. 257 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—101.

Mr. Speaker.  
Alexander.  
Barron.  
Bass.  
Bateman.  
Bird.  
Black.  
Boggs.  
Boon.  
Brown.  
Conway.  
Cornwell.  
Cox.  
Cummings.  
Davis.  
DeBerry.  
Denman.  
Dielmann.  
Durham.  
Duvall.  
Enderby.  
Eickenroht.

Faulk.  
Finlay.  
Fly.  
Forbes.  
Gates.  
Gilbert.  
Graves.  
Gray.  
Hagaman.  
Harding.  
Harman.  
Hefley.  
High.  
Hornaday.  
Jacks.  
Johnson.  
Jones.  
Kayton.  
Kemble.  
Kennedy.  
Kincaid.  
King of Hopkins.

King of	Shaver.
Throckmorton.	Shearer.
Kinnear.	Shirley.
Kirkland.	Simmons.
Land.	Sinks.
Long.	Smith of Atascosa.
McCombs.	Smith of El Paso.
McGill.	Smith of Nueces.
Montgomery.	Smith of Smith.
Morse.	Snelgrove.
Moursund.	Stevenson.
Murphy.	Stout.
Nabors.	Sutton.
Nicholson.	Taylor.
Olsen.	Van Zandt.
Parish of Runnels.	Veatch.
Parrish of Travis.	Wallace
Pavlica.	of Freestone.
Pearce.	Wallace of Panola.
Poage.	Wallace of Smith.
Pope.	Wassell.
Porter.	Wells.
Purl.	Whitaker.
Ramsey.	Williams
Rawlins.	of Sabine.
Rogers of Hays.	Williams
Rogers of Shelby.	of Travis.
Rowell.	Woodall.
Sanders.	Young.
Satterwhite.	

## Absent.

Acker.	Petsch.
Anderson.	Pool.
Avis.	Reagan.
Barnett.	Renfro
Beck.	of Angelina.
Bonham.	Renfro of Mills.
Branch.	Runge.
Daniel.	Sheats.
Dunlap.	Smyth.
Farrar.	Storey.
Gibson.	Swain.
Hall.	Teer.
Holder.	Turner.
Holland.	Waddell.
Justice.	Walker.
Kenyon.	Ware.
Lipscomb.	Webb.
Loftin.	Williamson.
McKean.	

## Absent—Excused.

Albritton.	Merritt.
Foster.	Minor.
Fuchs.	Powell.
Kirby.	Stell.
Loy.	Tillotson.
Masterson.	Woodruff.

HOUSE BILL NO. 246 ON SECOND  
READING.

On motion of Mr. Smith of El Paso, by unanimous consent, the regular order of business was suspended to take up

and have placed on its second reading and passage to engrossment,

H. B. No. 246, A bill to be entitled "An Act to authorize and direct the Secretary of State to exchange court reports, session acts and other publication of other States and of the United States and of foreign countries for the benefit of the Law Library of the University of Texas, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 246 ON THIRD  
READING.

Mr. Smith of El Paso moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 246 be placed on its third reading and final passage:

The motion prevailed by the following vote:

Yeas—97.

Mr. Speaker.	Kincaid.
Alexander.	King of Hopkins.
Barnett.	Kinnear.
Barron.	Kirkland.
Bass.	Land.
Bateman.	Long.
Black.	McCombs.
Boggs.	McGill.
Boon.	Montgomery.
Brown.	Morse.
Conway.	Moursund.
Cornwell.	Murphy.
Cox.	Nabors.
Davis.	Nicholson.
DeBerry.	Olsen.
Denman.	Parish of Runnels.
Dielmann.	Parrish of Travis.
Durham.	Pavlica.
Enderby.	Pearce.
Faulk.	Poage.
Finlay.	Pool.
Fly.	Pope.
Forbes.	Porter.
Gates.	Purl.
Gilbert.	Ramsey.
Graves.	Rawlins.
Gray.	Rogers of Hays.
Hagaman.	Rogers of Shelby.
Harding.	Rowell.
Harman.	Sanders.
Hefley.	Satterwhite.
High.	Shaver.
Holland.	Shearer.
Hornaday.	Shirley.
Jacks.	Simmons.
Johnson.	Sinks.
Jones.	Smith of Atascosa.
Kayton.	Smith of El Paso.
Kemble.	Smith of Nueces.
Kennedy.	Smith of Smith.



Snelgrove.	Wallace of Smith.
Stevenson.	Wassell.
Stout.	Wells.
Sutton.	Williams
Taylor.	of Sabine.
Veatch.	Williams
Wallace	of Travis.
of Freestone.	Young.
Wallace of Panola.	

Nays—6.

Bird.	Van Zandt.
Cummings.	Whitaker.
Eickenroht.	Woodall.

Absent.

Acker.	McKean.
Anderson.	Petsch.
Avis.	Reagan.
Beck.	Renfro
Bonham.	of Angelina.
Branch.	Renfro of Mills.
Daniel.	Runge.
Dunlap.	Sheats.
Duvall.	Smyth.
Farrar.	Storey.
Gibson.	Swain.
Hall.	Teer.
Holder.	Turner.
Justice.	Waddell.
Kenyon.	Walker.
King of	Ware.
Throckmorton.	Webb.
Lipscomb.	Williamson.
Loftin.	

Absent—Excused.

Albritton.	Merritt.
Foster.	Minor.
Fuchs.	Powell.
Kirby.	Stell.
Loy.	Tillotson.
Masterson.	Woodruff.

The Speaker then laid House bill No. 246 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—99.

Mr. Speaker.	DeBerry.
Alexander.	Denman.
Barnett.	Dielmann.
Barron.	Durham.
Bass.	Duvall.
Black.	Enderby.
Boggs.	Faulk.
Boon.	Finlay.
Brown.	Fly.
Conway.	Forbes.
Cornwell.	Gates.
Cox.	Gilbert.
Cummings.	Graves.
Davis.	Gray.

Hagaman.	Purl.
Harding.	Ramsey.
Harman.	Rawlins.
Hefley.	Rogers of Hays.
High.	Rogers of Shelby.
Holland.	Rowell.
Hornaday.	Sanders.
Jacks.	Satterwhite.
Johnson.	Shaver.
Jones.	Shearer.
Kayton.	Shirley.
Kemble.	Simmons.
Kennedy.	Sinks.
Kincaid.	Smith of Atascosa.
King of Hopkins.	Smith of El Paso.
King of	Smith of Nueces.
Throckmorton.	Smith of Smith.
Kinnear.	Snelgrove.
Kirkland.	Stevenson.
Land.	Stout.
Long.	Sutton.
McCombs.	Taylor.
McGill.	Van Zandt.
Montgomery.	Veatch.
Morse.	Wallace
Moursund.	of Freestone.
Murphy.	Wallace of Panola.
Nabors.	Wallace of Smith.
Nicholson.	Wassell.
Olsen.	Wells.
Parish of Runnels.	Whitaker.
Parrish of Travis.	Williams
Pavlica.	of Sabine.
Pearce.	Williams
Poage.	of Travis.
Pool.	Woodall.
Pope.	Young.
Porter.	

Nays—1.

Bird. Present—Not Voting.

Eickenroht. Absent.

Acker.	Petsch.
Anderson.	Reagan.
Avis.	Renfro
Bateman.	of Angelina.
Beck.	Renfro of Mills.
Bonham.	Runge.
Branch.	Sheats.
Daniel.	Smyth.
Dunlap.	Storey.
Farrar.	Swain.
Gibson.	Teer.
Hall.	Turner.
Holder.	Waddell.
Justice.	Walker.
Kenyon.	Ware.
Lipscomb.	Webb.
Loftin.	Williamson.
McKean.	

Absent—Excused.

Albritton.	Fuchs.
Foster.	Kirby.

Loy.  
Masterson.  
Merritt.  
Minor.

Powell.  
Stell.  
Tillotson.  
Woodruff.

# HOUSE BILL NO. 334 ON SECOND READING.

On motion of Mr. Sanders, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 334, A bill to be entitled "An Act to amend Sections 2 and 3, Chapter 4, of the Acts of the Third Called Session of the Thirty-sixth Legislature, changing the date of holding the terms of the district court of the Twenty-ninth Judicial District of Texas, and to make all process issued or served before this act takes effect, including recognizances and bonds, returnable to the term of court in the several counties as herein fixed; to validate such process, recognizances and bonds, and to validate the summoning of grand and petit jurors; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

# HOUSE BILL NO. 334 ON THIRD READING.

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 334 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker.  
Alexander.  
Barnett.  
Barron.  
Bass.  
Bateman.  
Bird.  
Black.  
Boggs.  
Boon.  
Brown.  
Conway.  
Cornwell.  
Cox.  
Cummings.  
Davis.  
DeBerry.  
Denman.  
Dielmann.  
Durham.

Duvall.  
Enderby.  
Eickenroht.  
Faulk.  
Finlay.  
Fly.  
Forbes.  
Gates.  
Gilbert.  
Graves.  
Gray.  
Hagaman.  
Harding.  
Harman.  
Hefley.  
High.  
Holland.  
Hornaday.  
Jacks.  
Johnson.

Jones.  
Kayton.  
Kemble.  
Kennedy.  
Kincaid.  
King of Hopkins.  
King of Throckmorton.  
Kinnear.  
Lipscomb.  
Loftin.  
Long.  
McCombs.  
McGill.  
Montgomery.  
Morse.  
Moursund.  
Murphy.  
Nabors.  
Nicholson.  
Olsen.  
Parish of Runnels.  
Parrish of Travis.  
Pavlica.  
Pearce.  
Poage.  
Pool.  
Pope.  
Porter.  
Purl.  
Ramsey.  
Rawlins.

Rogers of Hays.  
Rogers of Shelby.  
Rowell.  
Sanders.  
Satterwhite.  
Shaver.  
Shearer.  
Shirley.  
Simmons.  
Sinks.  
Smith of Atascosa.  
Smith of El Paso.  
Smith of Nueces.  
Smith of Smith.  
Snelgrove.  
Stevenson.  
Stout.  
Sutton.  
Taylor.  
Veatch.  
Wallace of Freestone.  
Wallace of Panola.  
Wallace of Smith.  
Wassell.  
Wells.  
Williams of Sabine.  
Williams of Travis.  
Woodall.  
Young.

Nays—2.

Van Zandt.

Whitaker.

Absent.

Acker.  
Anderson.  
Avis.  
Beck.  
Bonham.  
Branch.  
Daniel.  
Dunlap.  
Farrar.  
Gibson.  
Hall.  
Holder.  
Justice.  
Kenyon.  
Kirkland.  
Land.  
McKean.

Petsch.  
Reagan.  
Renfro of Angelina.  
Renfro of Mills.  
Runge.  
Sheats.  
Smyth.  
Storey.  
Swain.  
Teer.  
Turner.  
Waddell.  
Walker.  
Ware.  
Webb.  
Williamson.

Absent—Excused.

Albritton.  
Foster.  
Fuchs.  
Kirby.  
Loy.  
Masterson.

Merritt.  
Minor.  
Powell.  
Stell.  
Tillotson.  
Woodruff.

The Speaker then laid House bill No. 334 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—100.

Mr. Speaker.	McGill.
Alexander.	Montgomery.
Barnett.	Morse.
Barron.	Moursund.
Bass.	Murphy.
Bateman.	Nabors.
Bird.	Nicholson.
Black.	Olsen.
Boggs.	Parish of Runnels.
Boon.	Parrish of Travis.
Brown.	Pavlica.
Conway.	Pearce.
Cornwell.	Poage.
Cox.	Pool.
Cummings.	Pope.
Davis.	Porter.
DeBerry.	Purl.
Dielmann.	Ramsey.
Durham.	Rawlins.
Duvall.	Rogers of Hays.
Enderby.	Rogers of Shelby.
Eickenroht.	Rowell.
Faulk.	Sanders.
Finlay.	Satterwhite.
Fly.	Shaver.
Forbes.	Shearer.
Gates.	Shirley.
Gilbert.	Simmons.
Graves.	Sinks.
Gray.	Smith of Atascosa.
Hagaman.	Smith of El Paso.
Harding.	Smith of Nueces.
Harman.	Smith of Smith.
Hefley.	Snelgrove.
High.	Stevenson.
Holland.	Stout.
Hornaday.	Sutton.
Jacks.	Taylor.
Johnson.	Van Zandt.
Jones.	Veatch.
Kayton.	Wallace
Kemble.	of Freestone.
Kennedy.	Wallace of Panola.
Kincaid.	Wallace of Smith.
King of Hopkins.	Wassell.
King of	Wells.
Throckmorton.	Williams
Kinnear.	of Sabine.
Kirkland.	Williams
Land.	of Travis.
Long.	Woodall.
McCombs.	Young.

## Nays—1.

Whitaker.

## Absent.

Acker.	Branch.
Anderson.	Daniel.
Avis.	Denman.
Beck.	Dunlap.
Bonham.	Farrar.

Gibson.	Runge.
Hall.	Sheats.
Holder.	Smyth.
Justice.	Storey.
Kenyon.	Swain.
Lipscomb.	Teer.
Loftin.	Turner.
McKean.	Waddell.
Petsch.	Walker.
Reagan.	Ware.
Renfro.	Webb.
of Angelina.	Williamson.
Renfro of Mills.	

## Absent—Excused.

Albritton.	Merritt.
Foster.	Minor.
Fuchs.	Powell.
Kirby.	Stell.
Loy.	Tillotson.
Masterson.	Woodruff.

## BILLS ORDERED NOT PRINTED.

On motion of Mr. Smith of Atascosa, by unanimous consent, House bill No. 421 was ordered not printed.

## HOUSE BILL NO. 203 ON THIRD READING.

On motion of Mr. Finlay, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 203, A bill to be entitled "An Act to amend Article 6214, Title 109, Revised Civil Statutes, 1925, so as to provide that Confederate veterans receiving pensions from the United States government on account of services rendered subsequent to the Civil War shall not be deprived of pensions under the general laws of this State, and all Confederate veterans who are inmates of the Confederate Home may receive pensions equal in amount to one-half of the pensions payable to non-inmate veterans, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Finlay offered the following amendments to the bill:

Amend House bill No. 203 by striking out the words, beginning with and including the word "provided," on line 30, down to and including the word "entitled" in line 32.

Amend the caption of House bill No. 203 by striking out the word "and," in line 12, and all words down to and including the word "veterans" in line 14.

The amendments were severally adopted.



House bill No. 203 was then passed to engrossment.

#### HOUSE BILL NO. 421 ON SECOND READING.

On motion of Mr. Smith of Atascosa, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 421, A bill to be entitled "An Act to amend Chapter 65 of the Local and Special Laws enacted by the First Called Session of the Thirty-ninth Legislature of the State of Texas, known as House bill No. 202, creating Road District No. 4 in Atascosa county, Texas, and validating certain district road bonds of said road district and proceedings had with respect to their issue, so as to repeal Section 3b of said Special Act, legalizing, approving and validating the proposition of issuing district road bonds of said road district in the sum of four hundred and fifty thousand dollars (\$450,000) and certain orders and proceedings recited to have been had with respect thereto; declaring intention to in nowise affect any other provisions of said special and local law; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

The Speaker then laid the bill before the House, it was read second time and was passed to engrossment.

#### HOUSE BILL NO. 335 ON SECOND READING.

On motion of Mr. Sinks, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 335, A bill to be entitled "An Act to amend Section 7 of the Special Laws enacted at the Regular Session of the Thirtieth Legislature, the same being Chapter 34, creating a more efficient road system for Washington county, approved March 21, 1907, and as amended by the Regular Session of the Thirty-second Legislature, Chapter 30, approved March 7, 1911, be amended so as to exempt citizens of Washington county from road duty by payment to the county treasurer money in lieu thereof, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

#### HOUSE BILL NO. 201 ON SECOND READING.

On motion of Mr. Nabors, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 201, A bill to be entitled "An Act to permit the catching of sucker, buffalo, carp and shad during the months of July, August and September in Coryell, Hamilton, Erath and Hood counties."

The Speaker laid the bill before the House and it was read second time.

Mr. Nabors offered the following amendments to the bill:

Amend by striking out everything below the enacting clause and insert in lieu thereof the following:

"Section 1. That Article 941a of the Penal Code of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature be and the same is hereby amended so as to hereafter read as follows:

"Article 941a. Any and all persons shall be permitted to take or catch sucker, buffalo, carp and shad in any fresh water rivers, creeks or lakes in the counties of Burnet, Williamson, Lampasas, Coryell, Hamilton, Erath and Hood with a seine of any size mesh or by the use of wire, rope or grab hooks, during the months of July, August and September of each year; provided, however, that any catfish, crappie, perch, bass or any other kind of fish caught by any of the above methods herein allowed shall be immediately released in the waters from which they were caught; and provided further, that the owner or the one in possession of any seine used for the purpose of seining shall within five days from and after using of any seine for the purpose of catching fish, make a report under oath to the Game, Fish and Oyster Commissioner, giving in said report the names of each and every person in the seining party, and showing in said report that all fish not permitted to be caught or taken with a seine were released in the waters from which they were taken immediately after they were caught.

"Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than ten (\$10) dollars nor more than one hundred (\$100) dollars, and any person making a false affidavit shall be guilty of false swearing.

"Sec. 2. The fact that the present law does not permit the seining of sucker, buffalo, carp and shad in the rivers, lakes and creeks of Coryell, Hamilton, Erath and Hood counties, and the fact that said fish are a detriment to the fish which are protected under the law, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

Strike out everything above the enacting clause and insert in lieu thereof the following:

H. B. No. 201, A bill to be entitled "An Act amending Article 941a of the Penal Code of the State of Texas as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the catching of sucker, buffalo, carp and shad in certain counties, by adding to said article the names of Coryell, Hamilton, Erath and Hood counties."

The amendments were severally adopted.

Mr. Purl offered the following amendment to the bill:

Amend House bill No. 201 to also include Dallas county; also amend caption to include Dallas county.

The amendment was adopted.

House bill No. 201 was then passed to engrossment.

#### HOUSE BILL NO. 351 ON SECOND READING.

On motion of Mr. Satterwhite, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 351, A bill to be entitled "An Act providing for assistants to the district attorney in judicial districts composed of more than one county and in which there is a city of 50,000 inhabitants or more; providing for the compensation, oath, tenure and duties of said assistants; and providing all things necessary and incident to the main purpose of the act, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice

thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 92, "An Act to amend Article 3996, of Title 65, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 88, "An Act to amend Article 2274, Chapter 12, Title 42, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 18, "An Act to create a commission in aid of the Court of Criminal Appeals of Texas, regulating their powers and duties, appointment, duration of service, compensation and providing for stenographer, and making an appropriation therefor, and declaring an emergency."

S. B. No. 62, "An Act relative to the sale of a minor estate by guardian."

S. B. No. 93, "An Act to amend Article 4930, of Chapter 11, Title 78, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 94, "An Act to amend Article 8306, Part 1, Title 130, of the Revised Civil Statutes of 1925, by adding thereto a section to be known as Section 11a, defining total and permanent injuries, and declaring an emergency."

S. B. No. 90, "An Act to amend Article 9, Title 1, of the Revised Civil Statutes of 1925, and declaring an emergency."

S. B. No. 87, "An Act to amend Article 2496, of the Revised Civil Statutes of 1925, and declaring an emergency."

#### RECESS.

Mr. Kayton moved that the House adjourn until 10 o'clock a. m. next Monday.

Mr. Harman moved that the House recess to 10 o'clock a. m. tomorrow.

The motion of Mr. Harman prevailed, and the House accordingly, at 5:50 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills as follows:

Highways and Motor Traffic: House bill No. 407.

Education: House bills Nos. 449, 342, 269, 369, 416, 463.

Criminal Jurisprudence: House bill No. 393.

The following standing committees have today filed adverse reports on bills as follows:

Highways and Motor Traffic: House bills Nos. 438, 331, 194.

Education: House bills Nos. 165, 177, 178, 187, 173, 190, 171, 181, 175, 174, 176, 184, 185, 272.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, February 10, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 80, "An Act to change the names and designation of the county court of Bexar county for civil cases to the 'County Court at Law No. 1, of Bexar County,' and the county court of Bexar county, for criminal cases to the 'County Court at Law No. 2 of Bexar County, Texas,'" "

Have carefully compared same and find it correctly enrolled.

MORSE, Chairman.

#### TWENTY-SECOND DAY.

(Continued.)

(Saturday, February 12, 1927.)

The House met at 10 o'clock a. m. and was called to order by Speaker Bobbitt.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Dielmann and Mr. Kayton (by request):

H. B. No. 520, A bill to be entitled "An Act to amend Chapter 7, Article 527, Penal Code of the State of Texas, regarding immoral publications, nude and suggestive pictures, and affixing a punishment, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Dielmann, Mr. Williamson, Mr. Anderson, Mr. Kayton and Mr. Moursund:

H. B. No. 521, A bill to be entitled "An Act to provide for extending the terms of the district courts in any county composing one or more judicial

districts; validating extensions of terms heretofore made in such counties, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Acker:

H. B. No. 522, A bill to be entitled "An Act repealing the Special Act of the Thirty-eighth Legislature of the State of Texas, known as Chapter 7, House bill No. 105, creating and incorporating Webster Independent School District in Harris county, Texas, out of the territory composing Common School Districts Nos. 19 and 13, of said county; providing that the title of the school property vested in said Common School Districts Nos. 19 and 13, shall vest in said Webster Independent School District, and that said independent school district assume debts of said Common School Districts Nos. 19 and 13; providing for the board of trustees of said Webster Independent School District; providing for the time and manner of their election; defining their powers and duties, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Sheats:

H. B. No. 523, A bill to be entitled "An Act to amend Article 6690 of the Revised Civil Statutes of Texas, 1925, relating to application for license receipt for motor vehicles and prescribing the form of such receipt and container therefor and describing the same, and charge for such container; and fixing the fee and disposition thereof."

Referred to Committee on Revenue and Taxation.

By Mr. Kennedy:

H. B. No. 524, A bill to be entitled "An Act repealing Chapter 43 of the Local and Special Laws of the First Called Session of the Thirty-ninth Legislature, creating the Rosebud Independent School District in Falls county."

Referred to Committee on School Districts.

By Mr. Teer and Mr. Harman:

H. B. No. 525, A bill to be entitled "An Act to provide for the fixing of the salary of the Secretary of the Railroad Commission of Texas by the Appropriations Committee from time to time, as the salaries of other State employes are fixed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Appropriations.